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15 Theresa Ward

16  
17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19

20 Theresa Ward,

21 Plaintiff,

22 vs.

23 Collection Bureau of America,

24 Defendant.

Case No.:

**COMPLAINT FOR DAMAGES**

**FOR VIOLATIONS OF:**

- 1. THE TELEPHONE CONSUMER PROTECTION ACT; AND**
- 2. THE FAIR DEBT COLLECTION PRACTICES ACT**

**JURY TRIAL DEMANDED**

1 Plaintiff, Theresa Ward (hereafter “Plaintiff”), by undersigned counsel, brings  
2 the following complaint against Collection Bureau of America (hereafter  
3 “Defendant”) and alleges as follows:  
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the  
7 Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”) and repeated  
8 violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*  
9 (“FDCPA”).  
10

11 2. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3), 15 U.S.C. §  
12 1692k(d) and 28 U.S.C. § 1331.  
13

14 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where  
15 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or  
16 where Defendant transacts business in this district.  
17

18 **PARTIES**

19 4. Plaintiff is an adult individual residing in Thibodaux, Louisiana, and is a  
20 “person” as defined by 47 U.S.C. § 153(39).  
21

22 5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).  
23

24 6. Defendant is a business entity located in Hayward, California, and is a  
25 “person” as the term is defined by 47 U.S.C. § 153(39).  
26

27 7. Defendant uses instrumentalities of interstate commerce or the mails in a  
28 business the principle purpose of which is the collection of debts and/or regularly

1 collects or attempts to collect debts owed or asserted to be owed to another, and is a  
2 “debt collector” as defined by 15 U.S.C. § 1692a(6).  
3

4 **ALLEGATIONS APPLICABLE TO ALL COUNTS**  
5

6 8. Plaintiff is a natural person allegedly obligated to pay a debt asserted to  
7 be owed to Defendant.

8 9. Plaintiff’s alleged obligation arises from a transaction in which property,  
9 services or money was acquired on credit primarily for personal, family or household  
10 purposes, is a “debt” as defined by 15 U.S.C. § 1692a(5).  
11

12 10. At all times mentioned herein where Defendant communicated with any  
13 person via telephone, such communication was done via Defendant’s agent,  
14 representative or employee.  
15

16 11. At all times mentioned herein, Plaintiff utilized a cellular telephone  
17 service and was assigned the following telephone number: 985-XXX-0947 (hereafter  
18 “Number”).  
19

20 12. Defendant placed calls to Plaintiff’s Number in an attempt to collect a  
21 debt.  
22

23 13. The aforementioned calls were placed using an automatic telephone  
24 dialing system (“ATDS”) and/or by using an artificial or prerecorded voice  
25 (“Robocalls”).  
26  
27  
28



1 of silence followed by a prerecorded voice instructing her to hold for the next  
2 available representative.  
3

4 21. Defendant called Plaintiff's Number using an ATDS and/or Robocalls  
5 without Plaintiff's consent in that Defendant either never had Plaintiff's prior express  
6 consent to do so or such consent was effectively revoked when Plaintiff requested that  
7 Defendant cease all further calls.  
8

9 22. Defendant continued to willfully call Plaintiff's Number using an ATDS  
10 and/or Robocalls knowing that it lacked the requisite consent to do so in violation of  
11 the TCPA.  
12

13 23. Plaintiff was harmed and suffered damages as a result of Defendant's  
14 actions.  
15

16 24. The TCPA creates a private right of action against persons who violate  
17 the Act. *See* 47 U.S.C. § 227(b)(3).  
18

19 25. As a result of each call made in violation of the TCPA, Plaintiff is  
20 entitled to an award of \$500.00 in statutory damages.  
21

22 26. As a result of each call made knowingly and/or willingly in violation of  
23 the TCPA, Plaintiff may be entitled to an award of treble damages.  
24  
25  
26  
27  
28

**COUNT II**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15  
U.S.C. § 1692, et seq.**

27. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

28. The FDCPA was passed in order to protect consumers from the use of abusive, deceptive and unfair debt collection practices and in order to eliminate such practices.

29. Defendant attempted to collect a debt from Plaintiff and engaged in “communications” as defined by 15 U.S.C. § 1692a(2).

30. Defendant engaged in conduct, the natural consequence of which was to harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.

31. Defendant caused Plaintiff’s phone to ring or engaged Plaintiff in telephone conversations repeatedly or continuously, with the intent to annoy, abuse and harass Plaintiff, in violation of 15 U.S.C. § 1692d(5).

32. The foregoing acts and/or omissions of Defendant constitute violations of the FDCPA, including every one of the above-cited provisions.

33. Plaintiff was harmed and is entitled to damages as a result of Defendant’s violations.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- A. Statutory damages of \$500.00 for each call determined to be in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3);
- B. Treble damages for each violation determined to be willful and/or knowing under the TCPA pursuant to 47 U.S.C. § 227(b)(3);
- C. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- D. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- E. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3);
- F. Punitive damages; and
- G. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

DATED: December 13, 2016

TRINETTE G. KENT

By: /s/ Trinette G. Kent  
Trinette G. Kent, Esq.  
Lemberg Law, LLC  
Attorney for Plaintiff, Theresa Ward